

SAN JOSE APPEALS HEARING BOARD MINUTES
THURSDAY, NOVEMBER 13, 2008
6:30 P.M., COUNCIL CHAMBERS

1. The meeting of the San Jose Appeals Hearing Board convened this date at 6:30 p.m., Council Chambers, City Hall, with the following members in attendance: Chairperson Clark Williams, Commissioners Sonja Etienne, Jose Hernandez, Troy Overton, Karen Parsons and Susan Ruscigno.

Staff Present: Evet Loewen, Chief Deputy City Attorney
Sandy Bouja, Appeals Hearing Board Secretary
Eusebio Espitia, Code Enforcement Supervisor
Garry McLeod, Code Enforcement
Robyn Zamora, Finance Department
Betty Mitre, Code Enforcement

2. **Opening Remarks and Approval of Minutes**

Chairperson Clark Williams read a statement to the public requesting that speakers identify themselves and state their address. There was a motion by Commissioner Hernandez, seconded by Commissioner Ruscigno, to approve the minutes of November 13, 2008. Commissioner Karen Parsons stated that the minutes are incorrect in stating that she approved the minutes for September 25, 2008, she was not in attendance on that meeting date. The corrected minutes will be included in the packet for December 11, 2008.

3. **Request for Excused Absence**

There was a unanimous vote to approve Karen Parsons absence on 9/25/08 and 10/23/08.

4. **Public Hearings Consent Calendar**

- a. **455 W Virginia Street (264-22-101) Summary Abatement**
(Garry McLeod, Inspector / HSBC Bank USA Tr / Ace Securities Corp Tr Series 2004 HE4, Property Owners)
- b. **1595 Havana Drive (486-01-001) Summary Abatement**
(Garry McLeod, Inspector / Deutsche Bank Natl Tr Co Tr/ Securitized Asset backed Recei, Property Owners)
- c. **4124 Lemoyne Way (404-15-062) Summary Abatement**
(Garry McLeod, Inspector / Alex V. Kipper, Property Owner)

Item 4c (4124 Lemoyne Way) will be removed from the Consent Calendar due to the property owner being present and wishing to speak. There were no separate discussions

on hearing items regarding 455 W Virginia Street and 1595 Havana Drive. The hearing items were considered to be routine and were adopted in one motion.

There was a motion by Commissioner Parsons, seconded by Commissioner Etienne, to order as follows:

To approve the Consent Calendar and to remove item 4c.

AYES: Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams
NAYS:
ABSENT:

c. 4124 Lemoyne Way (404-15-062) Summary Abatement
(Garry McLeod, Inspector / Alex V. Kipper, Property Owner)

Code Enforcement Inspector Garry McLeod testified and gave a brief summary of his inspection at the subject property and also presented photos showing the unsecured garage door and windows.

Property Owner Alex V. Kipper was present and stated that the windows were secured because there were window screens in place. Mr. Kipper also stated that the windows were open because of the smoke smell from fire that occurred on April 2008.

There was a motion by Commissioner Overton, seconded by Commissioner Parsons, to order as follows:

To uphold the abatement action.

AYES: Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams
NAYS:
ABSENT:

5. Deferred and/or Continued Items

6. Public Hearings

- a.** The Finance Department requests adoption of a resolution confirming the Director of Finance's report concerning the delinquent Administrative Penalties and administrative costs for the accounts that have remained unpaid as of October 28, 2008 and direct staff to place a lien against the property to be recorded with the Santa Clara County Recorder's Office.

Robyn Zamora from the Finance Department was present and stated that the Finance Department is requesting to seek liens against the listed properties.

There was a motion by Commissioner Parsons, seconded by Commissioner Ruscigno, to order as follows:

To adopt a resolution confirming the Director of Finance's report concerning the delinquent administrative penalty bills in order to place a lien against the properties.

AYES: Etienne, Hernandez, Overton, Parsons, Ruscigno, Williams

NAYS:

ABSENT:

7. **Other Business**

8. **Open Forum - Oral Communication from the Public**

9. **Adjournment**

There was a motion by Commissioner Parsons, seconded by Commissioner Etienne to adjourn the meeting. Chair Clark Williams adjourned the meeting at 7: 08 p.m. The next regular meeting will be held on Thursday, December 11, 2008 at 6:30 p.m., at the City Hall Council Chambers.